

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**NATIONWIDE MUTUAL INSURANCE
COMPANY,**

Plaintiff,

vs.

**CHIGO AIR CONDITIONING, INC., SA
INTERNATIONAL HOLDING, LLC, a
California limited liability company; and
MJC AMERICA, LTD.,**

Defendants.

8:23CV331

ORDER TO SHOW CAUSE

[Federal Rule of Civil Procedure 4\(m\)](#) provides, “If a defendant is not served within 90 days after the complaint is filed, the court -- on motion or on its own after notice to the plaintiff -- must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.” [Fed. R. Civ. P. 4\(m\)](#).

Plaintiff filed the Complaint in state court on April 28, 2023, and the defendant, SA International Holding, LLC, removed the action to this court on August 1, 2023. (Filing No. 1). More than 90 days has elapsed since this action was removed to this court. To date, Plaintiff has not filed any return of service or signed waiver indicating service on the other named defendants, Chigo Air Conditioning, Inc. and MJC America, Ltd.; those defendants have not entered voluntary appearances or otherwise appeared; and Plaintiff has not requested an extension of time to complete service upon those defendants.¹ See [Hall v. O’Clallaghan, No. 4:13CV3066, 2013 WL 12141247, at *2 \(D. Neb. June 26, 2013\)](#) (Rule 4(m)’s time limit for service begins running when an action is removed to federal court). Accordingly,

IT IS ORDERED that Plaintiff shall have until **December 4, 2023**, to show cause why defendants, Chigo Air Conditioning, Inc. and MJC America, Ltd, should not be dismissed pursuant

¹ In SA International Holding, LLC’s Notice of Removal, it states its belief that neither Chigo Air Conditioning, Inc. nor MJC America, Ltd. still exist. (Filing No. 1 at ¶ 7). However, Plaintiff’s operative pleading names those entities as defendants and until they are dismissed or Plaintiff takes some other action, the Court cannot proceed in their absence.

to [Federal Rule of Civil Procedure 4\(m\)](#) or for want of prosecution. The failure to timely comply with this order may result in dismissal of those defendants from this action without further notice.

Dated this 13th day of November, 2023.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge